

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHT DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 1065 of 2005

Between:

- 1 Sri Panduranga Vidyalayam, Aided Elementary School, Brodipet, Guntur, rep.by its Manager/Correspondent
- 2 Sri Ravindra Vidyalayam, Lalapet Guntur, rep.by its Correspondent.
- 3 Sri Potti Sri Ramulu Aided Elementary School, Chowtra, Guntur, rep.by its Head Mistress & Correspondent.
- 4 Sri Krishna Nagar, Aided Elementary School, Sri Krishna Nagar, (Urban range) Guntur, rep.by its Correspondent.
- 5 K.B.R. & P.P.P. Aided Elementary School, Guntur, rep.by its Correspondent.
- 6 Residential Adivari Upper Primary School, Guntur, rep.by its Correspondent.
- 7 Sri Raghavendra upper Primary School, Guntur rep.by its Manager & Correspondent.
- 8 Gnana Niketan High Schools (T.M) Visakhapatnam, rep.by its Correspondent.
- 9 Gnana Niketan High Schools (E.M) Visakhapatnam, rep.by its Correspondent.
- 10 Gnane Niketan High School Medium Primary, School, Visakhapatnam, rep.by its Correspondent.
- 11 Gnane Niketan Primary School Visakhapatnam, rep.by its Correspondent.
- 12 Sri Ravi Sankar Vidya Kendram, Visakhapatnam, rep.by its Correspondent.
- 13 Sree Vani Bala vidyalayam, Vijayawada, rep.by its Secretary & Correspondent,
Krishna Dist.
- 14 A.A.U.P.School, Maddur, Krishna Dist. rep.by its Manager & Correspondent.
- 15 P.A.U.P.School, Anakapalli Visakhapatnam Dist., rep.by its Manager & Correspondent.

.. PETITIONERS

AND

- 1 The State of A.P.rep.by its Secretary to Govt. Education Dept., Secretariat, Saifabad, Hyderabad.
- 2 The Commissioner & Director of School Education, A.P., Hyderabad.
- 3 The District Educational officer, Guntur
- 4 The District Educational officer, Visakhapatnam.
- 5 The District Educational officer, Krishna Dist. at Machilipatnam.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of Mandamus declaring is illegal, arbitrary and unconstitutional the action of the Respondents in not paying the Maintenance Grant to the petitioner schools in terms of G.O.ms.No.320 dt. 16-09-1994 for the period form 1978- 79 to 2003-04 and issue a consequential direction to the Respondents to forthwith pay the Maintenance Grant to the petitioner schools.

Counsel for the Petitioner:MR.AKA.VENKATARAMANA

Counsel for the Respondents.: GP FOR EDUCATION

The Court made the following :

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ORDER:

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1. This writ petition has been filed by Aided Schools numbering 15 with a prayer to issue writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not paying the maintenance grant to the petitioners in terms of G.O.Ms. No.320, dated 16-9-1994 for the period from 1978-79 to 2003-04 as illegal, arbitrary and unconstitutional.

2. One J.V.R. Raghavendra Prabhu who is the Manager and Correspondent of the 7th petitioner's school has given sworn affidavit in support of the writ petition. It is stated in the writ petition that all the petitioners' schools are Elementary Schools and are admitted to grant in aid and therefore as per G.O.Ms.NO. 320 Education, dated 16-9-1994 they are entitled to maintenance grant. Since the respondents have not released the maintenance grant, the petitioners approached this Hon'ble Court by invoking jurisdiction under Article 226 of the Constitution of India.

3. Respondents 1,2 and 5 filed counter affidavit. One A.Satyanarayana Reddy has sworn to the counter[-affidavit. The respondents have not chosen to dispute the entitlement of the petitioners for maintenance of grant under G.O.Ms.No.320 Education, dated 16-9-1994, I deem it appropriate to refer para 4 of the counter-affidavit and it is thus:

"It is a fact that all the private aided educational institutions who have received grant in aid from the state government, were paid MG to meet the expenditure like Maintenance of electricity charges, telephone rent, office stationery, water tax, contingent salaries, repairs and upkeep of the building, clean rooms etc., as per rules to meet the expenditure mentioned

above”

4. Heard the learned counsel for the petitioners and learned Government Pleader for School Education appearing on behalf of the respondents 1,2 and 5.

5. It is no more in dispute that the petitioners aided schools are admitted to grant in aid and they are entitled to maintenance grant as per G.O.Ms. No. 320, dated 16-9-1994. Such is the situation, there is no valid reasons for the respondents in not granting the maintenance grant as permissible under G.O.Ms.No.320, dated 16-9-1994.

6. Hence, the writ petition is allowed directing the respondents to release maintenance grant in terms of G.O.Ms.No. 320, dated 16-9-1994 within three months from the date of receipt of a copy of this order. No order as to costs.

B.Seshasayana Reddy,J

8th July, 2005

Note:

C.C. in a week

B/o

KM

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice, on this the Friday the eighth day of July, Two Thousand and Five.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 Secretary to Govt. State of A.P. Education Dept., Secretariat, Saifabad, Hyderabad.
- 2 The Commissioner & Director of School Education, A.P., Hyderabad.
- 3 The District Educational officer, Guntur
- 4 The District Educational officer, Visakhapatnam.
- 5 The District Educational officer, Krishna Dist. at Machilipatnam.

6. 2 CCs to G.P. for Higher Education, High Court Buildings, Hyderabad

(OUT)

7. 2 CD copies

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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8th July, 2005.